

CLOSED,STAYED,TYPE I-FOIA

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-00600-CKK

JUDICIAL WATCH, INC. v. U.S. DEPARTMENT OF JUSTICE

Assigned to: Judge Colleen Kollar-Kotelly

Cause: 05:552 Freedom of Information Act

Date Filed: 04/04/2017

Date Terminated: 09/20/2018

Jury Demand: None

Nature of Suit: 895 Freedom of Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

JUDICIAL WATCH, INC.

represented by **Chris Fedeli**
JUDICIAL WATCH, INC.
425 Third Street, SW
Suite 800
Washington, DC 20024
(202) 646-5172
Fax: (202) 646-5185
Email: cfedeli@judicialwatch.org
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF JUSTICE

represented by **Melanie Dyani Hendry**
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2510
Fax: (202) 252-2599
Email: melanie.hendry2@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/04/2017	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF JUSTICE (Filing fee \$ 400 receipt number 0090-4900293) filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Department of Justice, # <u>3</u> Summons U.S. Attorney, # <u>4</u> Summons U.S. Attorney General)(Fedeli, Chris) (Entered: 04/04/2017)
04/04/2017	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by JUDICIAL WATCH, INC. (Fedeli, Chris) (Entered: 04/04/2017)
04/04/2017		Case Assigned to Judge Colleen Kollar-Kotelly. (sb) (Entered: 04/04/2017)
04/04/2017	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Form)(sb) (Entered: 04/04/2017)
04/04/2017	<u>4</u>	ORDER Establishing Procedures for Cases Assigned to Judge Colleen Kollar-Kotelly. Signed by Judge Colleen Kollar-Kotelly on April 4, 2017. (NS) (Entered: 04/04/2017)
04/14/2017	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/10/2017. (Answer due for ALL FEDERAL DEFENDANTS by 5/10/2017.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 4/10/2017., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 4/10/2017 (Attachments: # <u>1</u>

		Declaration)(Fedeli, Chris) (Entered: 04/14/2017)
05/09/2017	<u>6</u>	NOTICE of Appearance by Melanie Dyani Hendry on behalf of U.S. DEPARTMENT OF JUSTICE (Hendry, Melanie) (Entered: 05/09/2017)
05/09/2017	<u>7</u>	ANSWER to Complaint by U.S. DEPARTMENT OF JUSTICE.(Hendry, Melanie) (Entered: 05/09/2017)
05/10/2017	<u>8</u>	ORDER. The parties shall file a Joint Status Report not later than June 12, 2017. Signed by Judge Colleen Kollar-Kotelly on 5/10/2017. (lcckk1) (Entered: 05/10/2017)
05/10/2017		Set/Reset Deadlines: Joint Status Report due by 6/12/2017. (kt) (Entered: 05/10/2017)
06/12/2017	<u>9</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Hendry, Melanie) (Entered: 06/12/2017)
06/16/2017		MINUTE ORDER: The Court is in receipt of the parties' <u>9</u> Joint Proposed Schedule and Status Report. Therein, the parties relay that Defendants anticipate making a series of document productions beginning on July 14, 2017, and request an opportunity to review the productions and to meet and confer with the intention of amicably resolving this litigation. For good cause shown, that request is GRANTED. The parties shall file a Joint Status Report by September 8, 2017, advising the Court of their progress, and proposing a briefing schedule if necessary. Signed by Judge Colleen Kollar-Kotelly on 6/16/2017. (lcckk1) (Entered: 06/16/2017)
06/16/2017		Set/Reset Deadlines: Joint Status Report due by 9/8/2017. (dot) (Entered: 06/20/2017)
09/06/2017	<u>10</u>	STATUS REPORT by JUDICIAL WATCH, INC.. (Fedeli, Chris) (Entered: 09/06/2017)
09/07/2017	<u>11</u>	STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Hendry, Melanie) (Entered: 09/07/2017)
09/20/2017		MINUTE ORDER: The Court is in receipt of the parties' respective Status Reports. ECF Nos. 10 and 11. Defendant indicates that it intends to complete its final production by November 14, 2017. Accordingly, the parties shall file a Joint Status Report by DECEMBER 14, 2017, advising the Court of how they intend to proceed, and proposing a briefing schedule if necessary. Signed by Judge Colleen Kollar-Kotelly on 9/20/2017. (lcckk1) (Entered: 09/20/2017)
09/20/2017		Set/Reset Deadlines: Joint Status Report due by 12/14/2017. (dot) (Entered: 09/20/2017)
12/12/2017	<u>12</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Hendry, Melanie) (Entered: 12/12/2017)
12/15/2017	<u>13</u>	SCHEDULING AND PROCEDURES ORDER. See order for details. Signed by Judge Colleen Kollar-Kotelly on December 15, 2017. (lcckk1) (Entered: 12/15/2017)
12/15/2017		Set/Reset Deadlines: Defendant's Summary Judgment motion due by 2/15/2018. Response to Motion for Summary Judgment due by 3/15/2018. Reply to Motion for Summary Judgment due by 4/16/2018. Plaintiff's Cross Motion due by 3/15/2018. Response to Cross Motion due by 4/16/2018. Reply to Cross Motion due by 5/3/2018. (dot) (Entered: 12/18/2017)
02/15/2018	<u>14</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Declaration of Peter J. Chisholm, # <u>2</u> Statement of Facts)(Hendry, Melanie) (Entered: 02/15/2018)
03/13/2018	<u>15</u>	Cross MOTION for Summary Judgment by JUDICIAL WATCH, INC. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order)(Fedeli, Chris) (Entered: 03/13/2018)
03/13/2018	<u>16</u>	Memorandum in opposition to re <u>14</u> MOTION for Summary Judgment filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Statement of Facts)(Fedeli, Chris) (Entered: 03/13/2018)
04/11/2018	<u>17</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>14</u> MOTION for Summary Judgment , <u>15</u> Cross MOTION for Summary Judgment by U.S.

		DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Hendry, Melanie) (Entered: 04/11/2018)
04/12/2018		MINUTE ORDER: The Court has received Defendant's <u>17</u> Consent Motion to Amend Briefing Schedule, requesting an extension in the summary judgment briefing schedule. With Plaintiff's consent, the Court GRANTS the <u>17</u> Consent Motion for good cause shown. The Court's <u>13</u> Scheduling and Procedures Order shall be amended as follows: Defendant shall file its Reply in support of its <u>14</u> Motion for Summary Judgment and its Opposition to Plaintiff's <u>15</u> Cross-Motion for Summary Judgment by no later than MAY 1, 2018 . Plaintiff shall file its Reply in support of its <u>15</u> Cross-Motion for Summary Judgment by no later than MAY 23, 2018 . This is the first request by either party for extension of the briefing schedule. Signed by Judge Colleen Kollar-Kotelly on April 12, 2018. (lcckk1) (Entered: 04/12/2018)
04/12/2018		Set/Reset Deadlines: Defendant's Response to Cross Motion <u>15</u> due by 5/1/2018. Plaintiff's Reply to Cross Motion <u>15</u> due by 5/23/2018. Defendant's Reply to Motion for Summary Judgment <u>14</u> due by 5/1/2018. (dot) (Entered: 04/12/2018)
05/01/2018	<u>18</u>	REPLY to opposition to motion re <u>14</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Declaration Supplemental Declaration of Peter J. Chisholm)(Hendry, Melanie) (Entered: 05/01/2018)
05/01/2018	<u>19</u>	RESPONSE re <u>15</u> Cross MOTION for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Supplemental Declaration of Peter J. Chisholm, # <u>2</u> Response to Plaintiff's Statement of Facts)(Hendry, Melanie) (Entered: 05/01/2018)
05/15/2018	<u>20</u>	REPLY to opposition to motion re <u>15</u> Cross MOTION for Summary Judgment filed by JUDICIAL WATCH, INC.. (Fedeli, Chris) (Entered: 05/15/2018)
05/15/2018	<u>21</u>	MOTION to Stay re <u>14</u> MOTION for Summary Judgment , <u>15</u> Cross MOTION for Summary Judgment by JUDICIAL WATCH, INC. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Fedeli, Chris) (Entered: 05/15/2018)
05/15/2018		MINUTE ORDER: The Court has received Plaintiff's <u>21</u> Motion to Stay, which seeks a stay of this case pending Defendant's response to a new FOIA request that Plaintiff asserts could moot this case, including the pending cross-motions. Plaintiff indicates that Defendant opposes this motion. Defendant shall file its opposition by MAY 29, 2018 . Plaintiff shall file its reply, if any, by JUNE 5, 2018 . Signed by Judge Colleen Kollar-Kotelly on May 15, 2018. (lcckk1) (Entered: 05/15/2018)
05/15/2018		Set/Reset Deadlines: Defendant shall file Response to <u>21</u> by 5/29/2018. Plaintiff's Reply due by 6/5/2018. (dot) (Entered: 05/15/2018)
05/16/2018	<u>22</u>	ERRATA -- <i>Table of Authorities</i> by JUDICIAL WATCH, INC. <u>20</u> Reply to opposition to Motion filed by JUDICIAL WATCH, INC.. (Fedeli, Chris) (Entered: 05/16/2018)
05/24/2018	<u>23</u>	Consent MOTION to Amend Briefing Schedule by U.S. DEPARTMENT OF JUSTICE (Hendry, Melanie) Modified text on 5/25/2018 (ztd). (Entered: 05/24/2018)
05/30/2018		MINUTE ORDER: The Court has received Defendant's <u>23</u> Consent Motion to Amend Briefing Schedule, which indicates that Plaintiff consents. For good cause shown, the Court shall GRANT <i>nunc pro tunc</i> Defendant's <u>23</u> Consent Motion and adjust the briefing schedule for Plaintiff's <u>21</u> Motion to Stay. Defendant shall file its opposition to Plaintiff's <u>21</u> Motion to Stay by JUNE 19, 2018 . Plaintiff shall file its reply, if any, by JUNE 26, 2018 . Signed by Judge Colleen Kollar-Kotelly on May 30, 2018. (lcckk1) (Entered: 05/30/2018)
05/30/2018		Set/Reset Deadlines: Defendant's Response to <u>21</u> due by 6/19/2018. Plaintiff's Reply to <u>21</u> due by 6/26/2018. (dot) (Entered: 05/31/2018)
06/25/2018	<u>24</u>	REPLY to opposition to motion re <u>21</u> MOTION to Stay re <u>14</u> MOTION for Summary Judgment , <u>15</u> Cross MOTION for Summary Judgment filed by JUDICIAL WATCH, INC.. (Fedeli, Chris) (Entered: 06/25/2018)
06/25/2018	<u>25</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>21</u> MOTION to Stay re <u>14</u> MOTION for Summary Judgment , <u>15</u> Cross MOTION for Summary

		Judgment (<i>Nunc Pro Tunc</i>) by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Defendant's Response to Plaintiff's Motion to Stay)(Hendry, Melanie) (Entered: 06/25/2018)
06/27/2018		MINUTE ORDER: The Court has received Defendant's <u>25</u> Consent Motion for Nunc Pro Tunc Extension of Deadline to File Response to Plaintiff's Motion to Stay, which indicates that Defendant's non-compliance with the deadline for its response was inadvertent. With Plaintiff's consent, the Court shall GRANT Defendant's <u>25</u> Consent Motion, for good cause shown, and extend <i>nunc pro tunc</i> the deadline for the filing of Defendant's response until JUNE 25, 2018 . Because Defendant's [25-1] Response was attached to its <u>25</u> Consent Motion, the Court has received Defendant's [25-1] Response in a timely fashion pursuant to the revised deadline. Plaintiff's reply to Defendant's [25-1] Response is due no later than JULY 5, 2018 . Signed by Judge Colleen Kollar-Kotelly on June 27, 2018. (lcckk1) (Entered: 06/27/2018)
06/27/2018		Set/Reset Deadlines: Plaintiff's reply to Defendant's [25-1] Response due by 7/5/2018. (kt) (Entered: 06/27/2018)
07/02/2018	<u>26</u>	REPLY to opposition to motion re <u>25</u> Consent MOTION for Extension of Time to File Response/Reply as to <u>21</u> MOTION to Stay re <u>14</u> MOTION for Summary Judgment , <u>15</u> Cross MOTION for Summary Judgment (<i>Nunc Pro Tunc</i>) filed by JUDICIAL WATCH, INC.. (Fedeli, Chris) (Entered: 07/02/2018)
07/16/2018		MINUTE ORDER: The Court has received Plaintiff's <u>26</u> Reply to Opposition to Motion to Stay. Plaintiff's <u>21</u> Motion to Stay requests a stay while Defendant processes Plaintiff's separate FOIA request seeking documents that Defendant has determined to be nonresponsive to the FOIA request at issue in this litigation. However, responsiveness of these documents is among the issues in the parties' <u>14</u> <u>15</u> Motions for Summary Judgment as to the FOIA request in this case. A decision that the documents are not responsive would facilitate the resolution of this case. A decision that the documents are in fact responsive would result in an order that Defendant release the documents as part of this litigation. The Court finds that it is more efficient to resolve the responsiveness issue by deciding these motions for summary judgment than to wait an indefinite period of time for Defendant's full resolution of the separate FOIA request, or to wait some shorter period for one or more piecemeal updates on its status. Accordingly, in an exercise of the Court's discretion to efficiently manage this case, the Court shall DENY Plaintiff's <u>21</u> Motion to Stay. The Court shall proceed to evaluate the parties' <u>14</u> <u>15</u> Motions for Summary Judgment. In the event that Defendant's processing of Plaintiff's separate FOIA request affects the pending motions prior to the Court's decision, the parties shall file a Joint Status Report identifying the developments and proposing the way in which the Court should handle the pending motions. Signed by Judge Colleen Kollar-Kotelly on July 16, 2018. (lcckk1) (Entered: 07/16/2018)
09/20/2018	<u>27</u>	ORDER that this case shall be STAYED until January 18, 2019, at which time the parties shall filed a Joint Status Report. Signed by Judge Colleen Kollar-Kotelly on 09/20/18. (DM) (Entered: 09/20/2018)
09/20/2018		Case STAYED. (kt) (Entered: 09/20/2018)
01/16/2019	<u>28</u>	Joint MOTION to Stay <i>Status Report Deadline</i> by JUDICIAL WATCH, INC. (Fedeli, Chris) (Entered: 01/16/2019)